



Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

April 16, 1992

Stephen G. Rathbun, Chief
Inspection and Enforcement Branch
Office of Surface Mining
Suite 310, Silver Square
625 Silver Avenue, S.W.
Albuquerque, New Mexico 87102

Dear Mr. Rathbun:

Re: Response to Uncited Violations, Co-Op Mining Company, Bear Canyon Mine,
ACT/015/025, Folder #5, Emery County, Utah

The violations referenced in the enclosure, numbers 1-7, identifying design criteria, necessary controls, and site conditions that OSM believed to be in existence at the time of the last state complete inspection, were also missed by OSM during the previous federal oversight inspection of April 19, 1991. By the agreement of November 6, 1991, between Dr. Nielson and W. Hord Tipton, these alleged seven violations are not to be counted as LSCI violations. Please remove them from the Bear Canyon oversight inspection report of March 12, 1992.

Sincerely,

Lowell P. Braxton
Associate Director, Mining

jbe
enclosure
015025.RBC
cc/enc: Dianne Nielson



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

RECEIVED

March 26, 1992

MAR 30 1992

DIVISION OF
OIL GAS & MINING

Permit: ACT-015-025
Mine Name: Bear Canyon

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies violations that are considered to have existed at the time of the last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 3/12/92; Date of LSCI: 12/17/91

The determination that the State did not cite the violations is based on one or more of the following reasons:

_____The condition was identified in a State inspection report but no State enforcement action was taken.

***X Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.). (**See page 2.)

** X Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.). (**See page 2.)

* X Site conditions indicate that the violations noted had been in existence at the time of, or prior to, the last State complete inspection. (*See page 2.)

_____Other (give explanation).

Although the violations were cited by the State, or were abated during a joint inspection, OSM believes that the violations were evident during the last State complete inspection.

Indicate below the Division's reason(s) for not citing the alleged violations.

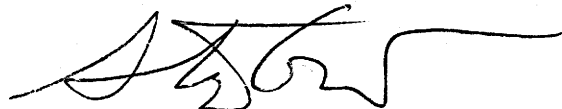
- ☐ Not a violation
- ☐ Precluded by State policy
- ☐ Not included under State program
- ☐ Warning given in Lieu of a Citation
- ☐ Violation not recognized (missed)
- ☐ Practice allowed under approved permit
- ☐ Too minor to cite
- ☐ Working with operator to correct
- ☒ Other: see enclosed letter

Signature LPS 7-16

Date _____

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,



Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure

- *1. Failure to maintain a monitoring well
- ***2. Failure to provide adequate designs
- *3. Failure to maintain diversions
- **4. Failure to post perimeter markers as required
- ***5. Failure to have certified maps
- *6. Operations off the permit
- *7. Certifying an inaccurate map